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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/728,188      | 12/01/2000  | Zefu Chen            | 6122/62344          | 4504             |

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EXAMINER

LUGO, CARLOS

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 04/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/728,188

Applicant(s)

CHEN ET AL.

Examiner

Carlos Lugo

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:
  - Reference character "34" has been used to designate both a compression surface (Page 7 Lines 19 and 32; Page 8 Line 17 and Page 9 Line 6) and a hinge (Page 8 Line 15 and Page 9 Line 12).
  - Reference character "28" has been used to designate both a catch and a hinge (Page 9 Line 2).
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:
  - Element 30 is not described in the specification.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the O-ring sealing the opening in the dispenser must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The specification is objected to because of the following informalities:
  - Page 6 Line 1, add --T-shaped-- after "a".

- Page 6 Line 2, add --U-shaped-- after "a".
- Page 7 Line 7, change the first "18" to --16--.
- Page 7 Line 21, change "12" to --14--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted Prior Art disclosed from Page 2 Line 15 to Page 3 Line 16 and illustrated on Figure 1 in view of U.S. Pat. No. 82,863 to Munson et al (Munson).

Regarding claims 1, 6 and 8, the prior art discloses a cover latch comprising a pushing bar (element 2), a handle attached to one end of the bar and a support member attached to the other end of the bar. The latch further comprises a plurality of latches (element 6) attached to the support member for engaging a catch in the lock position. A plurality of springs (element 4) attached to the support member for maintaining the latch in the locked position.

However, the Prior Art teaches that a user has to push the bar to compress the springs in order to disengage the latches from the catches. The Prior Art also fails to disclose the use of a rod instead of a bar.

Munson teaches a latch mechanism that a user has to pull a rod (element D), by a handle (element E), to compress a spring in order to disengage the latch (element C) from a catch.

Applicant is reminded that the reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art. In re Gazda, 219 F.2d 449, 104 USPQ 400 (CCPA 1955); In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the springs of the Prior Art, in order to perform a pulling act, as taught by Munson, because it will have the same purpose of disengage the latches from the catches in order to open or close the cover.

As to claims 3,4 and 9, the Prior Art fails to disclose that a rod moves the latch mechanism, having a circular cross section, attached at its center to a handle. The Prior Art disclose a bar having a handle formed as a single unit.

Munson teaches a rod (element D) that moves the latch mechanism, having a circular cross section, attached at its center to a handle (element E).

Applicant is reminded that a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a rod, as taught by Munson, connected to the Prior Art

support member, in order to move a latch mechanism from an engage to a disengage position.

As to claim 5, the Prior art illustrates that the support member is formed in a U-shape.

As to claim 7, the Prior Art illustrates that the plurality of springs are leaf springs.

As to claim 10, the Prior Art illustrates that the support member and the plurality of latches and springs are formed as a single unit.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted Prior Art disclosed from Page 2 Line 15 to Page 3 Line 16 and illustrated on Figure 1 and U.S. Pat. No. 82,863 to Munson et al (Munson) in view of U.S. Pat. No. 4,129,325 to Hern et al (Hern).

The Prior Art, as modified by Munson, discloses the invention substantially as claimed. However, the combination fails to disclose the use of an O-ring arranged around the rod to seal an opening in the dispenser.

Hern teaches that a latch mechanism comprising an O-ring (element 86) arranged around the pull rod (element 70) to seal an opening (on the wall 24) through which the rod is pulled using the handle is known in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a similar seal element like the one illustrated by Hern, into the combination, in order to prevent humidity or any other element to enter the dispenser.


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**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents cited further show the state of the art with respect to cover latches.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo. The examiner phone number is (703)-305-9747, the fax number is (703)-308-3687 and the examiner email is the following: carlos.lugo@uspto.gov. The examiner can normally be reached on Monday to Friday from 8:00am to 5:00pm. If the examiner is not available, please leave a message, including the application number and the examiner will answer the message as soon as possible.

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March 25, 2002

  
J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
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